

Criminal Revision no.76 of 2001

- 1.Kripal Singh
- 2.Narayan Singh
- 3.Pushkar Singh

All sons of Umrao Singh, R/o village Chai, P.S. Joshimath, district Chamoli.

Revisionists

Versus

1. State of Uttaranchal
2. Bhupal Singh alias Pradhan, village Chai, P.S.Joshimath, district Chamoli.

Opposite

parties.

By the Court.

Hon'ble Irshad Hussain.J.

Heard Sri Arvind Vashistha, counsel for the revisionists and the learned A.G.A.

This is a criminal revision u/s 397/401 Cr.P.C. against the judgment and order dated 1.5.2001 passed by the Sessions Judge, Chamoli in criminal appeal no.2 of 1998 confirming the conviction and sentence awarded to the revisionists u/s 323/342 I.P.C. per judgment and order dated 24.11.1997 by the C.J.M. Chamoli.

The learned counsel for the revisionists only made submissions on the point of adequacy of sentence without challenging the merits of the case and finding of guilt recorded against the revisionists. It has been pointed out that the revisionists had no previous conviction to their credit and considering their antecedents it would have been proper if the revisionists are got extended the benefit of the provisions of the Probation of Offenders Act. Considering the age of the revisionists, there was no point in extending the said benefit. However, considering the antecedents and the nature of the crime, there are cogent grounds to interfere with the sentence and punishment awarded to the revisionists.

The revisionists had undergone about imprisonment for 10 days although they were awarded three months S.I. and fine of Rs.1000/- each u/s 342 I.P.C. and S.I. for one month each and a fine of Rs.500/- each u/s 323 I.P.C. Considering the totality of the circumstances of the case, the sentence awarded is excessive and the ends of justice would meet if the sentence of imprisonment is reduced to the period already undergone and sentence of fine is further reduced to Rs.500/- each u/s 342 I.P.C. and fine of Rs.250/. U/s 323 I.P.C. In default of payment of fine each of the revisionist shall undergo simple imprisonment for 15days.

The learned counsel for the revisionists will ensure the compliance of the order about the deposit of fine within one month. The revision is disposed accordingly.

(Irshad Hussain, J.)

1.7.2002
M.P.S.